

## CHAPTER 127

(House Bill 778)

## AN ACT concerning

Victim's or Representative's Right to Address  
Sentencing Judge or Jury

FOR the purpose of ~~entitling~~ allowing certain crime victims or certain other persons to address the sentencing judge or jury before the imposition of a sentence under certain circumstances; ~~authorizing--the--judge--to--disallow--oral presentations--under--certain--circumstances;~~ allowing limited cross examination by a defendant; prohibiting the coercion of victims by certain persons; ~~providing--that--the--exercise or--failure--to--exercise--provisions--of--this--Act--may--not--be grounds--for--an--appeal--of--or--for--a--court--to--take--certain actions--on--a--sentence;~~ and generally relating to a victim's or representative's right to address the sentencing judge or jury.

BY adding to

Article 27 - Crimes and Punishments  
Section 643D  
Annotated Code of Maryland  
(1982 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND; That the Laws of Maryland read as follows:

## Article 27 - Crimes and Punishments

643D.

(A) IN EVERY CASE IN WHICH A VICTIM IMPACT STATEMENT IS REQUIRED BY ARTICLE 41, SECTION 124 OF THE CODE RESULTING IN SERIOUS PHYSICAL INJURY OR DEATH, THE VICTIM OR A MEMBER OF THE VICTIM'S IMMEDIATE FAMILY, OR IF THE VICTIM IS DECEASED, UNDER A MENTAL, PHYSICAL, OR LEGAL DISABILITY, OR OTHERWISE UNABLE TO PROVIDE THE REQUIRED INFORMATION, THE PERSONAL REPRESENTATIVE, GUARDIAN, OR COMMITTEE, OR OTHER FAMILY MEMBER IS ENTITLED TO MAY, AT THE REQUEST OF THE STATE'S ATTORNEY AND IN THE DISCRETION OF THE SENTENCING JUDGE, ADDRESS THE SENTENCING JUDGE OR JURY UNDER OATH OR AFFIRMATION BEFORE THE IMPOSITION OF SENTENCE ON WRITTEN APPLICATION TO THE SENTENCING JUDGE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF AN ORAL PRESENTATION WOULD BE DISRUPTIVE OR PHYSICALLY THREATENING TO THE ORDER OF A COURT PROCEEDING, A JUDGE MAY REFUSE TO ALLOW A VICTIM OR REPRESENTATIVE TO MAKE AN ORAL ADDRESS.